



General Assembly

January Session, 2013

Amendment

LCO No. 7885

HB0670107885HD0

Offered by:
REP. FOX, 146th Dist.

To: Subst. House Bill No. 6701

File No. 743

Cal. No. 522

***"AN ACT CONCERNING CHILD ENDANGERMENT WHILE
OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE
OF INTOXICATING LIQUOR OR DRUGS."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 53-21 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2013*):

5 (a) Any person who (1) wilfully or unlawfully causes or permits any
6 child under the age of sixteen years to be placed in such a situation
7 that the life or limb of such child is endangered, the health of such
8 child is likely to be injured or the morals of such child are likely to be
9 impaired, or does any act likely to impair the health or morals of any
10 such child, or (2) has contact with the intimate parts, as defined in
11 section 53a-65, of a child under the age of sixteen years or subjects a
12 child under sixteen years of age to contact with the intimate parts of
13 such person, in a sexual and indecent manner likely to impair the
14 health or morals of such child, or (3) permanently transfers the legal or

15 physical custody of a child under the age of sixteen years to another
16 person for money or other valuable consideration or acquires or
17 receives the legal or physical custody of a child under the age of
18 sixteen years from another person upon payment of money or other
19 valuable consideration to such other person or a third person, except in
20 connection with an adoption proceeding that complies with the
21 provisions of chapter 803, or (4) violates any provision of subsection (a)
22 of section 14-227a while a child under sixteen years of age is a
23 passenger in the motor vehicle, shall be guilty of (A) a class D felony
24 for a violation of subdivision (4) of this subsection, (B) a class C felony
25 for a violation of subdivision (1) or (3) of this subsection, and (C) a
26 class B felony for a violation of subdivision (2) of this subsection,
27 except that, if the violation is of subdivision (2) of this subsection and
28 the victim of the offense is under thirteen years of age, such person
29 shall be sentenced to a term of imprisonment of which five years of the
30 sentence imposed may not be suspended or reduced by the court.

31 (b) The act of a parent or agent leaving an infant thirty days or
32 younger with a designated employee pursuant to section 17a-58 shall
33 not constitute a violation of this section.

34 Sec. 2. Subsection (g) of section 14-36 of the general statutes is
35 repealed and the following is substituted in lieu thereof (*Effective July*
36 *1, 2014*):

37 (g) The commissioner may place a restriction on the motor vehicle
38 operator's license of any person or on any special operator's permit
39 issued to any person in accordance with the provisions of section 14-
40 37a, as amended by this act, that restricts the holder of such license or
41 permit to the operation of a motor vehicle that is equipped with an
42 approved ignition interlock device, as defined in section 14-227j, for
43 such time as the commissioner shall prescribe, if such person has:
44 [been: (1) Convicted] (1) Been convicted for a first or second time of a
45 violation of subdivision (2) of subsection (a) of section 14-227a, and has
46 served not less than forty-five days of the prescribed period of
47 suspension for such conviction, in accordance with the provisions of

48 subsections (g) and (i) of section 14-227a, as amended by this act; (2)
49 been ordered by the Superior Court not to operate any motor vehicle
50 unless it is equipped with an approved ignition interlock device, in
51 accordance with the provisions of section 14-227j; (3) been granted a
52 reversal or reduction of such person's license suspension or revocation,
53 in accordance with the provisions of subsection (i) of section 14-111; (4)
54 been issued a motor vehicle operator's license upon the surrender of an
55 operator's license issued by another state and such previously held
56 license contains a restriction to the operation of a motor vehicle
57 equipped with an ignition interlock device; (5) been convicted of a
58 violation of section 53a-56b or 53a-60d; [or] (6) been permitted by the
59 commissioner to be issued or to retain an operator's license subject to
60 reporting requirements concerning such person's physical condition, in
61 accordance with the provisions of subsection (e) of this section and
62 sections 14-45a to 14-46g, inclusive; or (7) had such person's operator's
63 license suspended under subsection (i) of section 14-227b, as amended
64 by this act, and has served not less than forty-five days of the
65 prescribed period of such suspension.

66 Sec. 3. Subsection (b) of section 14-37a of the general statutes is
67 repealed and the following is substituted in lieu thereof (*Effective July*
68 *1, 2014*):

69 (b) The commissioner may, in the commissioner's discretion upon a
70 showing of significant hardship, grant each such application that is
71 submitted in proper form and contains such information and
72 attestation by the applicant as the commissioner may require. With
73 respect to an application for an education permit, an applicant shall
74 also be required to submit a schedule of the time and location of all
75 classes or other required educational activities attended by such
76 applicant. Such schedule shall be attested to by the registrar of such
77 educational institution. In determining whether to grant such
78 application, the commissioner may also consider the driving record of
79 the applicant and shall ascertain that the suspension is a final order
80 that is not under appeal pursuant to section 4-183. A special operator's
81 permit shall not be issued pursuant to this section to any person for the

82 operation of a motor vehicle for which a public passenger
83 transportation permit or commercial driver's license is required or to
84 any person whose operator's license has been suspended previously
85 pursuant to section 14-227a, as amended by this act, or 14-227b, as
86 amended by this act. [A special operator's permit shall not be issued
87 pursuant to this section to any person whose operator's license has
88 been suspended pursuant to subparagraph (C) of subdivision (1) of
89 subsection (i) of section 14-227b for refusing to submit to a blood,
90 breath or urine test or analysis until such operator's license has been
91 under suspension for a period of not less than ninety days.] A person
92 shall not be ineligible to be issued a special operator's permit under
93 this section solely on the basis of being convicted of two violations of
94 section 14-227a, as amended by this act, unless such second conviction
95 is for a violation committed after a prior conviction.

96 Sec. 4. Subsection (j) of section 14-111 of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective July*
98 *1, 2014*):

99 (j) Any person whose motor vehicle operator's license is suspended
100 by the commissioner and whose license is subsequently restricted to
101 the operation of a motor vehicle that is equipped with an approved,
102 ignition interlock device who fails to comply with the requirements for
103 the installation and use of such device in a motor vehicle owned or
104 operated by such person, as set forth in regulations adopted by the
105 commissioner in accordance with the provisions of subsection (i) of
106 section 14-227a, as amended by this act, shall be subject to the
107 [resuspension] reinstatement of such suspension of the person's
108 operator's license [for such period of time, not to exceed the period of
109 the original suspension, as the commissioner may prescribe] until such
110 person demonstrates to the commissioner's satisfaction that such
111 person intends to install and maintain the ignition interlock device for
112 the prescribed period.

113 Sec. 5. Subsection (d) of section 14-111n of the general statutes is
114 repealed and the following is substituted in lieu thereof (*Effective July*

115 1, 2014):

116 (d) If the commissioner is notified by a member jurisdiction that a
117 person who is the holder of a motor vehicle operator's license has been
118 convicted of driving under the influence of alcohol or drugs, in
119 accordance with subdivision (2) of subsection (b) of this section, the
120 commissioner may consider the conviction as a second or subsequent
121 violation of section 14-227a, as amended by this act, if such person has
122 been convicted previously of a violation of section 14-227a, as
123 amended by this act, or has been convicted previously of a
124 substantially similar offense in a member jurisdiction, as shown by
125 such person's driver control record, within the past ten years, and the
126 commissioner may impose the suspension and require the person to
127 install an ignition interlock device on each motor vehicle owned or
128 operated by such person for the period of time required for a second or
129 subsequent offense by the provisions of [subsection] subsections (g)
130 and (h) of section 14-227a, as amended by this act. It shall not be a
131 defense to a suspension imposed pursuant to this subsection, or
132 subdivision (2) of subsection (b) of this section, that the blood alcohol
133 concentration of the person convicted in a member jurisdiction, or the
134 blood alcohol concentration required for conviction of a per se offense
135 in the member jurisdiction in which the person was convicted, is less
136 than the blood alcohol concentration required for conviction of a per se
137 offense in this state.

138 Sec. 6. Subsections (g) to (i), inclusive, of section 14-227a of the
139 general statutes are repealed and the following is substituted in lieu
140 thereof (*Effective July 1, 2014*):

141 (g) Any person who violates any provision of subsection (a) of this
142 section shall: (1) For conviction of a first violation, (A) be fined not less
143 than five hundred dollars or more than one thousand dollars, and (B)
144 be (i) imprisoned not more than six months, forty-eight consecutive
145 hours of which may not be suspended or reduced in any manner, or
146 (ii) imprisoned not more than six months, with the execution of such
147 sentence of imprisonment suspended entirely and a period of

148 probation imposed requiring as a condition of such probation that
149 such person perform one hundred hours of community service, as
150 defined in section 14-227e, and (C) have such person's motor vehicle
151 operator's license or nonresident operating privilege suspended for
152 forty-five days and, as a condition for the restoration of such license,
153 be required to install an ignition interlock device on each motor vehicle
154 owned or operated by such person and, upon such restoration, be
155 prohibited for either the one-year period following such restoration or
156 the period prescribed in subsection (i) of section 14-227b, as amended
157 by this act, whichever period is longer, from operating a motor vehicle
158 unless such motor vehicle is equipped with a functioning, approved
159 ignition interlock device, as defined in section 14-227j; (2) for
160 conviction of a second violation within ten years after a prior
161 conviction for the same offense, (A) be fined not less than one
162 thousand dollars or more than four thousand dollars, (B) be
163 imprisoned not more than two years, one hundred twenty consecutive
164 days of which may not be suspended or reduced in any manner, and
165 sentenced to a period of probation requiring as a condition of such
166 probation that such person: (i) Perform one hundred hours of
167 community service, as defined in section 14-227e, (ii) submit to an
168 assessment through the Court Support Services Division of the Judicial
169 Branch of the degree of such person's alcohol or drug abuse, and (iii)
170 undergo a treatment program if so ordered, and (C) [(i) if such person
171 is under twenty-one years of age at the time of the offense, have such
172 person's motor vehicle operator's license or nonresident operating
173 privilege suspended for forty-five days or until the date of such
174 person's twenty-first birthday, whichever is longer, and, as a condition
175 for the restoration of such license, be required to install an ignition
176 interlock device on each motor vehicle owned or operated by such
177 person and, upon such restoration, be prohibited for the three-year
178 period following such restoration from operating a motor vehicle
179 unless such motor vehicle is equipped with a functioning, approved
180 ignition interlock device, as defined in section 14-227j, except that for
181 the first year of such three-year period, such person's operation of a
182 motor vehicle shall be limited to such person's transportation to or

183 from work or school, an alcohol or drug abuse treatment program or
184 an ignition interlock device service center, or (ii) if such person is
185 twenty-one years of age or older at the time of the offense,] have such
186 person's motor vehicle operator's license or nonresident operating
187 privilege suspended for forty-five days and, as a condition for the
188 restoration of such license, be required to install an ignition interlock
189 device on each motor vehicle owned or operated by such person and,
190 upon such restoration, be prohibited for the three-year period
191 following such restoration from operating a motor vehicle unless such
192 motor vehicle is equipped with a functioning, approved ignition
193 interlock device, as defined in section 14-227j, except that for the first
194 year of such three-year period, such person's operation of a motor
195 vehicle shall be limited to such person's transportation to or from work
196 or school, an alcohol or drug abuse treatment program or an ignition
197 interlock device service center; and (3) for conviction of a third and
198 subsequent violation within ten years after a prior conviction for the
199 same offense, (A) be fined not less than two thousand dollars or more
200 than eight thousand dollars, (B) be imprisoned not more than three
201 years, one year of which may not be suspended or reduced in any
202 manner, and sentenced to a period of probation requiring as a
203 condition of such probation that such person: (i) Perform one hundred
204 hours of community service, as defined in section 14-227e, (ii) submit
205 to an assessment through the Court Support Services Division of the
206 Judicial Branch of the degree of such person's alcohol or drug abuse,
207 and (iii) undergo a treatment program if so ordered, and (C) have such
208 person's motor vehicle operator's license or nonresident operating
209 privilege permanently revoked upon such third offense, except that if
210 such person's revocation is reversed or reduced pursuant to subsection
211 (i) of section 14-111, such person shall be prohibited from operating a
212 motor vehicle unless such motor vehicle is equipped with a
213 functioning, approved ignition interlock device, as defined in section
214 14-227j, for the time period prescribed in subdivision (2) of subsection
215 (i) of section 14-111. For purposes of the imposition of penalties for a
216 second or third and subsequent offense pursuant to this subsection, a
217 conviction under the provisions of subsection (a) of this section in

218 effect on October 1, 1981, or as amended thereafter, a conviction under
219 the provisions of either subdivision (1) or (2) of subsection (a) of this
220 section, a conviction under the provisions of section 53a-56b or 53a-60d
221 or a conviction in any other state of any offense the essential elements
222 of which are determined by the court to be substantially the same as
223 subdivision (1) or (2) of subsection (a) of this section or section 53a-56b
224 or 53a-60d, shall constitute a prior conviction for the same offense.

225 (h) (1) Each court shall report each conviction under subsection (a)
226 of this section to the Commissioner of Motor Vehicles, in accordance
227 with the provisions of section 14-141. The commissioner shall suspend
228 the motor vehicle operator's license or nonresident operating privilege
229 of the person reported as convicted for the period of time required by
230 subsection (g) of this section. The commissioner shall determine the
231 period of time required by said subsection (g) based on the number of
232 convictions such person has had within the specified time period
233 according to such person's driving history record, notwithstanding the
234 sentence imposed by the court for such conviction. [(2) The motor
235 vehicle operator's license or nonresident operating privilege of a
236 person found guilty under subsection (a) of this section who is under
237 eighteen years of age shall be suspended by the commissioner for the
238 period of time set forth in subsection (g) of this section, or until such
239 person attains the age of eighteen years, whichever period is longer.
240 (3)] (2) The motor vehicle operator's license or nonresident operating
241 privilege of a person found guilty under subsection (a) of this section
242 who, at the time of the offense, was operating a motor vehicle in
243 accordance with a special operator's permit issued pursuant to section
244 14-37a, as amended by this act, shall be suspended by the
245 commissioner for twice the period of time set forth in subsection (g) of
246 this section. [(4)] (3) If an appeal of any conviction under subsection (a)
247 of this section is taken, the suspension of the motor vehicle operator's
248 license or nonresident operating privilege by the commissioner, in
249 accordance with this subsection, shall be stayed during the pendency
250 of such appeal.

251 (i) (1) The Commissioner of Motor Vehicles shall permit a person

252 whose license has been suspended in accordance with the provisions
253 of subparagraph (C) of subdivision (1) or subparagraph [(C)(i) or
254 (C)(ii)] (C) of subdivision (2) of subsection (g) of this section to operate
255 a motor vehicle if (A) such person has served either the suspension
256 required under said subparagraph [, notwithstanding that such person
257 has not completed serving any] or the suspension required under
258 subsection (i) of section 14-227b, as amended by this act, and (B) such
259 person has installed an approved ignition interlock device in each
260 motor vehicle owned or to be operated by such person, and verifies to
261 the commissioner, in such manner as the commissioner prescribes, that
262 such device has been installed. For a period of one year after the
263 installation of an ignition interlock device by a person who is subject to
264 subparagraph [(C)(i) or (C)(ii)] (C) of subdivision (2) of subsection (g)
265 of this section, such person's operation of a motor vehicle shall be
266 limited to such person's transportation to or from work or school, an
267 alcohol or drug abuse treatment program or an ignition interlock
268 device service center. Except as provided in sections 53a-56b and 53a-
269 60d, no person whose license is suspended by the commissioner for
270 any other reason shall be eligible to operate a motor vehicle equipped
271 with an approved ignition interlock device.

272 (2) All costs of installing and maintaining an ignition interlock
273 device shall be borne by the person required to install such device. No
274 court sentencing a person convicted of a violation of subsection (a) of
275 this section may waive any fees or costs associated with the installation
276 and maintenance of an ignition interlock device.

277 (3) The commissioner shall adopt regulations, in accordance with
278 the provisions of chapter 54, to implement the provisions of this
279 subsection. The regulations shall establish procedures for the approval
280 of ignition interlock devices, for the proper calibration and
281 maintenance of such devices and for the installation of such devices by
282 any firm approved and authorized by the commissioner and shall
283 specify acts by persons required to install and use such devices that
284 constitute a failure to comply with the requirements for the installation
285 and use of such devices, the conditions under which such

286 noncompliance will result in an extension of the period during which
287 such persons are restricted to the operation of motor vehicles equipped
288 with such devices and the duration of any such extension. The
289 commissioner shall ensure that such firm provide notice to both the
290 commissioner and the Court Support Services Division of the Judicial
291 Branch whenever a person required to install such device commits a
292 violation with respect to the installation, maintenance or use of such
293 device.

294 (4) The provisions of this subsection shall not be construed to
295 authorize the continued operation of a motor vehicle equipped with an
296 ignition interlock device by any person whose operator's license or
297 nonresident operating privilege is withdrawn, suspended or revoked
298 for any other reason.

299 (5) The provisions of this subsection shall apply to any person
300 whose license has been suspended in accordance with the provisions
301 of subparagraph (C) of subdivision (1) or subparagraph [(C)(i) or
302 (C)(ii)] (C) of subdivision (2) of subsection (g) of this section on or after
303 January 1, 2012.

304 (6) Whenever a person is permitted by the commissioner under this
305 subsection to operate a motor vehicle if such person has installed an
306 approved ignition interlock device in each motor vehicle owned or to
307 be operated by such person, the commissioner shall indicate in the
308 electronic record maintained by the commissioner pertaining to such
309 person's operator's license or driving history that such person is
310 restricted to operating a motor vehicle that is equipped with an
311 ignition interlock device and, if applicable, that such person's
312 operation of a motor vehicle is limited to such person's transportation
313 to or from work or school, an alcohol or drug abuse treatment program
314 or an ignition interlock device service center, and the duration of such
315 restriction or limitation, and shall ensure that such electronic record is
316 accessible by law enforcement officers. Any such person shall pay the
317 commissioner a fee of one hundred dollars prior to the installation of
318 such device.

319 (7) There is established the ignition interlock administration account
320 which shall be a separate, nonlapsing account in the General Fund. The
321 commissioner shall deposit all fees paid pursuant to subdivision (6) of
322 this subsection in the account. Funds in the account may be used by
323 the commissioner for the administration of this subsection.

324 (8) Notwithstanding any provision of the general statutes to the
325 contrary, upon request of any person convicted of a violation of
326 subsection (a) of this section whose operator's license is under
327 suspension on January 1, 2012, the Commissioner of Motor Vehicles
328 may reduce the term of suspension prescribed in subsection (g) of this
329 section and place a restriction on the operator's license of such person
330 that restricts the holder of such license to the operation of a motor
331 vehicle that is equipped with an approved ignition interlock device, as
332 defined in section 14-227j, for the remainder of such prescribed period
333 of suspension.

334 (9) Any person required to install an ignition interlock device under
335 this section shall be supervised by personnel of the Court Support
336 Services Division of the Judicial Branch while such person is subject to
337 probation supervision or by personnel of the Department of Motor
338 Vehicles if such person is not subject to probation supervision, and
339 such person shall be subject to any other terms and conditions as the
340 commissioner may prescribe and any provision of the general statutes
341 or the regulations adopted pursuant to subdivision (3) of this
342 subsection not inconsistent herewith.

343 (10) Notwithstanding the periods prescribed in subsection (g) of this
344 section and subdivision (2) of subsection (i) of section 14-111 during
345 which a person is prohibited from operating a motor vehicle unless
346 such motor vehicle is equipped with a functioning, approved ignition
347 interlock device, such periods may be extended in accordance with the
348 regulations adopted pursuant to subdivision (3) of this subsection.

349 Sec. 7. Section 14-227b of the general statutes is repealed and the
350 following is substituted in lieu thereof (*Effective July 1, 2014*):

351 (a) Any person who operates a motor vehicle in this state shall be
352 deemed to have given such person's consent to a chemical analysis of
353 such person's blood, breath or urine and, if such person is a minor,
354 such person's parent or parents or guardian shall also be deemed to
355 have given their consent.

356 (b) If any such person, having been placed under arrest for
357 operating a motor vehicle while under the influence of intoxicating
358 liquor or any drug or both, and thereafter, after being apprised of such
359 person's constitutional rights, having been requested to submit to a
360 blood, breath or urine test at the option of the police officer, having
361 been afforded a reasonable opportunity to telephone an attorney prior
362 to the performance of such test and having been informed that such
363 person's license or nonresident operating privilege may be suspended
364 in accordance with the provisions of this section if such person refuses
365 to submit to such test, or if such person submits to such test and the
366 results of such test indicate that such person has an elevated blood
367 alcohol content, and that evidence of any such refusal shall be
368 admissible in accordance with subsection (e) of section 14-227a and
369 may be used against such person in any criminal prosecution, refuses
370 to submit to the designated test, the test shall not be given; provided, if
371 the person refuses or is unable to submit to a blood test, the police
372 officer shall designate the breath or urine test as the test to be taken.
373 The police officer shall make a notation upon the records of the police
374 department that such officer informed the person that such person's
375 license or nonresident operating privilege may be suspended if such
376 person refused to submit to such test or if such person submitted to
377 such test and the results of such test indicated that such person had an
378 elevated blood alcohol content.

379 (c) If the person arrested refuses to submit to such test or analysis or
380 submits to such test or analysis, commenced within two hours of the
381 time of operation, and the results of such test or analysis indicate that
382 such person has an elevated blood alcohol content, the police officer,
383 acting on behalf of the Commissioner of Motor Vehicles, shall
384 immediately revoke and take possession of the motor vehicle

385 operator's license or, if such person is a nonresident, suspend the
386 nonresident operating privilege of such person, for a twenty-four-hour
387 period. The police officer shall prepare a report of the incident and
388 shall mail or otherwise transmit in accordance with this subsection the
389 report and a copy of the results of any chemical test or analysis to the
390 Department of Motor Vehicles within three business days. The report
391 shall contain such information as prescribed by the Commissioner of
392 Motor Vehicles and shall be subscribed and sworn to under penalty of
393 false statement as provided in section 53a-157b by the arresting officer.
394 If the person arrested refused to submit to such test or analysis, the
395 report shall be endorsed by a third person who witnessed such refusal.
396 The report shall set forth the grounds for the officer's belief that there
397 was probable cause to arrest such person for a violation of subsection
398 (a) of section 14-227a and shall state that such person had refused to
399 submit to such test or analysis when requested by such police officer to
400 do so or that such person submitted to such test or analysis,
401 commenced within two hours of the time of operation, and the results
402 of such test or analysis indicated that such person had an elevated
403 blood alcohol content. The Commissioner of Motor Vehicles may
404 accept a police report under this subsection that is prepared and
405 transmitted as an electronic record, including electronic signature or
406 signatures, subject to such security procedures as the commissioner
407 may specify and in accordance with the provisions of sections 1-266 to
408 1-286, inclusive. In any hearing conducted pursuant to the provisions
409 of subsection (g) of this section, it shall not be a ground for objection to
410 the admissibility of a police report that it is an electronic record
411 prepared by electronic means.

412 (d) If the person arrested submits to a blood or urine test at the
413 request of the police officer, and the specimen requires laboratory
414 analysis in order to obtain the test results, the police officer shall not
415 take possession of the motor vehicle operator's license of such person
416 or, except as provided in this subsection, follow the procedures
417 subsequent to taking possession of the operator's license as set forth in
418 subsection (c) of this section. If the test results indicate that such

419 person has an elevated blood alcohol content, the police officer,
420 immediately upon receipt of the test results, shall notify the
421 Commissioner of Motor Vehicles and submit to the commissioner the
422 written report required pursuant to subsection (c) of this section.

423 (e) (1) Except as provided in subdivision (2) of this subsection, upon
424 receipt of such report, the Commissioner of Motor Vehicles may
425 suspend any operator's license or nonresident operating privilege of
426 such person effective as of a date certain, which date shall be not later
427 than thirty days after the date such person received notice of such
428 person's arrest by the police officer. Any person whose operator's
429 license or nonresident operating privilege has been suspended in
430 accordance with this subdivision shall automatically be entitled to a
431 hearing before the commissioner to be held in accordance with the
432 provisions of chapter 54 and prior to the effective date of the
433 suspension. The commissioner shall send a suspension notice to such
434 person informing such person that such person's operator's license or
435 nonresident operating privilege is suspended as of a date certain and
436 that such person is entitled to a hearing prior to the effective date of
437 the suspension and may schedule such hearing by contacting the
438 Department of Motor Vehicles not later than seven days after the date
439 of mailing of such suspension notice.

440 (2) If the person arrested (A) is involved in an accident resulting in a
441 fatality, or (B) has previously had such person's operator's license or
442 nonresident operating privilege suspended under the provisions of
443 section 14-227a, as amended by this act, during the ten-year period
444 preceding the present arrest, upon receipt of such report, the
445 Commissioner of Motor Vehicles may suspend any operator's license
446 or nonresident operating privilege of such person effective as of the
447 date specified in a notice of such suspension to such person. Any
448 person whose operator's license or nonresident operating privilege has
449 been suspended in accordance with this subdivision shall
450 automatically be entitled to a hearing before the commissioner, to be
451 held in accordance with the provisions of chapter 54. The
452 commissioner shall send a suspension notice to such person informing

453 such person that such person's operator's license or nonresident
454 operating privilege is suspended as of the date specified in such
455 suspension notice, and that such person is entitled to a hearing and
456 may schedule such hearing by contacting the Department of Motor
457 Vehicles not later than seven days after the date of mailing of such
458 suspension notice. Any suspension issued under this subdivision shall
459 remain in effect until such suspension is affirmed or such operator's
460 license or nonresident operating privilege is reinstated in accordance
461 with subsections (f) and (h) of this section.

462 (f) If such person does not contact the department to schedule a
463 hearing, the commissioner shall affirm the suspension contained in the
464 suspension notice for the appropriate period specified in subsection (i)
465 [or (j)] of this section.

466 (g) If such person contacts the department to schedule a hearing, the
467 department shall assign a date, time and place for the hearing, which
468 date shall be prior to the effective date of the suspension, except that,
469 with respect to a person whose operator's license or nonresident
470 operating privilege is suspended in accordance with subdivision (2) of
471 subsection (e) of this section, such hearing shall be scheduled not later
472 than thirty days after such person contacts the department. At the
473 request of such person or the hearing officer and upon a showing of
474 good cause, the commissioner may grant one or more continuances.
475 The hearing shall be limited to a determination of the following issues:
476 (1) Did the police officer have probable cause to arrest the person for
477 operating a motor vehicle while under the influence of intoxicating
478 liquor or any drug or both; (2) was such person placed under arrest; (3)
479 did such person refuse to submit to such test or analysis or did such
480 person submit to such test or analysis, commenced within two hours of
481 the time of operation, and the results of such test or analysis indicated
482 that such person had an elevated blood alcohol content; and (4) was
483 such person operating the motor vehicle. In the hearing, the results of
484 the test or analysis shall be sufficient to indicate the ratio of alcohol in
485 the blood of such person at the time of operation, provided such test
486 was commenced within two hours of the time of operation. The fees of

487 any witness summoned to appear at the hearing shall be the same as
488 provided by the general statutes for witnesses in criminal cases.
489 Notwithstanding the provisions of subsection (a) of section 52-143, any
490 subpoena summoning a police officer as a witness shall be served not
491 less than seventy-two hours prior to the designated time of the
492 hearing.

493 (h) If, after such hearing, the commissioner finds on any one of the
494 said issues in the negative, the commissioner shall reinstate such
495 license or operating privilege. If, after such hearing, the commissioner
496 does not find on any one of the said issues in the negative or if such
497 person fails to appear at such hearing, the commissioner shall affirm
498 the suspension contained in the suspension notice for the appropriate
499 period specified in subsection (i) [or (j)] of this section. The
500 commissioner shall render a decision at the conclusion of such hearing
501 and send a notice of the decision by bulk certified mail to such person.
502 The notice of such decision sent by bulk certified mail to the address of
503 such person as shown by the records of the commissioner shall be
504 sufficient notice to such person that such person's operator's license or
505 nonresident operating privilege is reinstated or suspended, as the case
506 may be.

507 (i) [Except as provided in subsection (j) of this section, the] (1) The
508 commissioner shall suspend the operator's license or nonresident
509 operating privilege of a person who did not contact the department to
510 schedule a hearing, who failed to appear at a hearing, or against
511 whom, as the result of a hearing held by the commissioner pursuant to
512 subsection (h) of this section, as of the effective date contained in the
513 suspension notice, for a period of [:(1) (A) Except as provided in
514 subparagraph (B) of this subdivision, ninety days, if such person
515 submitted to a test or analysis and the results of such test or analysis
516 indicated that such person had an elevated blood alcohol content, (B)
517 one hundred twenty days, if such person submitted to a test or
518 analysis and the results of such test or analysis indicated that the ratio
519 of alcohol in the blood of such person was sixteen-hundredths of one
520 per cent or more of alcohol, by weight, or (C) six months if such person

521 refused to submit to such test or analysis, (2) if such person has
522 previously had such person's operator's license or nonresident
523 operating privilege suspended under this section, (A) except as
524 provided in subparagraph (B) of this subdivision, nine months if such
525 person submitted to a test or analysis and the results of such test or
526 analysis indicated that such person had an elevated blood alcohol
527 content, (B) ten months if such person submitted to a test or analysis
528 and the results of such test or analysis indicated that the ratio of
529 alcohol in the blood of such person was sixteen-hundredths of one per
530 cent or more of alcohol, by weight, and (C) one year if such person
531 refused to submit to such test or analysis, and (3) if such person has
532 two or more times previously had such person's operator's license or
533 nonresident operating privilege suspended under this section, (A)
534 except as provided in subparagraph (B) of this subdivision, two years
535 if such person submitted to a test or analysis and the results of such
536 test or analysis indicated that such person had an elevated blood
537 alcohol content, (B) two and one-half years if such person submitted to
538 a test or analysis and the results of such test or analysis indicated that
539 the ratio of alcohol in the blood of such person was sixteen-hundredths
540 of one per cent or more of alcohol, by weight, and (C) three years if
541 such person refused to submit to such test or analysis] forty-five days.
542 As a condition for the restoration of such operator's license or
543 nonresident operating privilege, such person shall be required to
544 install an ignition interlock device on each motor vehicle owned or
545 operated by such person and, upon such restoration, be prohibited for
546 either the period of time prescribed in subdivision (2) of this
547 subsection or for the period prescribed in subsection (g) of section 14-
548 227a, as amended by this act, whichever is longer, from operating a
549 motor vehicle unless such motor vehicle is equipped with a
550 functioning, approved ignition interlock device, as defined in section
551 14-227j.

552 (2) (A) A person twenty-one years of age or older at the time of the
553 offense who submitted to a test or analysis and the results of such test
554 or analysis indicated that such person had an elevated blood alcohol

555 content shall install and maintain an ignition interlock device for the
556 following periods: (i) For a first offense under this section, six months;
557 (ii) for a second offense under this section, one year; and (iii) for a third
558 or subsequent offense under this section, two years; (B) a person under
559 twenty-one years of age at the time of the offense who submitted to a
560 test or analysis and the results of such test or analysis indicated that
561 such person had an elevated blood alcohol content shall maintain an
562 ignition interlock device for the following periods: (i) For a first offense
563 under this section, one year; (ii) for a second offense under this section,
564 two years; and (iii) for a third or subsequent offense under this section,
565 three years; and (C) a person, regardless of age, who refused to submit
566 to a test or analysis shall maintain an ignition interlock device for the
567 following periods: (i) For a first offense under this section, one year; (ii)
568 for a second offense under this section, two years; and (iii) for a third
569 or subsequent offense, under this section, three years.

570 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
571 this subsection, a person whose motor vehicle operator's license or
572 nonresident operating privilege has been permanently revoked upon a
573 third offense pursuant to subsection (g) of section 14-227a, as amended
574 by this act, shall be subject to the penalties prescribed in subdivision
575 (2) of subsection (i) of section 14-111.

576 [(j) The commissioner shall suspend the operator's license or
577 nonresident operating privilege of a person under twenty-one years of
578 age who did not contact the department to schedule a hearing, who
579 failed to appear at a hearing or against whom, after a hearing the
580 commissioner held pursuant to subsection (h) of this section, as of the
581 effective date contained in the suspension notice or the date the
582 commissioner renders a decision whichever is later, for twice the
583 appropriate period of time specified in subsection (i) of this section,
584 except that, in the case of a person who is sixteen or seventeen years of
585 age at the time of the alleged offense, the period of suspension for a
586 first offense shall be one year if such person submitted to a test or
587 analysis and the results of such test or analysis indicated that such
588 person had an elevated blood alcohol content or eighteen months if

589 such person refused to submit to such test or analysis.]

590 [(k)] (j) Notwithstanding the provisions of subsections (b) to [(j)] (i),
591 inclusive, of this section, any police officer who obtains the results of a
592 chemical analysis of a blood sample taken from or a urine sample
593 provided by an operator of a motor vehicle involved in an accident
594 who suffered or allegedly suffered physical injury in such accident, or
595 is otherwise deemed by a police officer to require treatment or
596 observation at a hospital, shall notify the Commissioner of Motor
597 Vehicles and submit to the commissioner a written report if such
598 results indicate that such person had an elevated blood alcohol
599 content, and if such person was arrested for violation of section 14-
600 227a, as amended by this act, in connection with such accident. The
601 report shall be made on a form approved by the commissioner
602 containing such information as the commissioner prescribes, and shall
603 be subscribed and sworn to under penalty of false statement, as
604 provided in section 53a-157b, by the police officer. The commissioner
605 may, after notice and an opportunity for hearing, which shall be
606 conducted by a hearing officer on behalf of the commissioner in
607 accordance with chapter 54, suspend the motor vehicle operator's
608 license or nonresident operating privilege of such person for the
609 appropriate period of time specified in subsection (i) [or (j)] of this
610 section. Each hearing conducted under this subsection shall be limited
611 to a determination of the following issues: (1) Whether the police
612 officer had probable cause to arrest the person for operating a motor
613 vehicle while under the influence of intoxicating liquor or drug or
614 both; (2) whether such person was placed under arrest; (3) whether
615 such person was operating the motor vehicle; (4) whether the results of
616 the analysis of the blood or urine of such person indicate that such
617 person had an elevated blood alcohol content; and (5) in the event that
618 a blood sample was taken, whether the blood sample was obtained in
619 accordance with conditions for admissibility and competence as
620 evidence as set forth in subsection (k) of section 14-227a. If, after such
621 hearing, the commissioner finds on any one of the said issues in the
622 negative, the commissioner shall not impose a suspension. The fees of

623 any witness summoned to appear at the hearing shall be the same as
 624 provided by the general statutes for witnesses in criminal cases, as
 625 provided in section 52-260.

626 ~~[(l)]~~ (k) The provisions of this section shall apply with the same
 627 effect to the refusal by any person to submit to an additional chemical
 628 test as provided in subdivision (5) of subsection (b) of section 14-227a.

629 ~~[(m)]~~ (l) The provisions of this section shall not apply to any person
 630 whose physical condition is such that, according to competent medical
 631 advice, such test would be inadvisable.

632 ~~[(n)]~~ (m) The state shall pay the reasonable charges of any physician
 633 who, at the request of a municipal police department, takes a blood
 634 sample for the purposes of a test under the provisions of this section.

635 ~~[(o)]~~ (n) For the purposes of this section, "elevated blood alcohol
 636 content" means (1) a ratio of alcohol in the blood of such person that is
 637 eight-hundredths of one per cent or more of alcohol, by weight, (2) if
 638 such person is operating a commercial motor vehicle, a ratio of alcohol
 639 in the blood of such person that is four-hundredths of one per cent or
 640 more of alcohol, by weight, or (3) if such person is less than twenty-one
 641 years of age, a ratio of alcohol in the blood of such person that is two-
 642 hundredths of one per cent or more of alcohol, by weight.

643 ~~[(p)]~~ (o) The Commissioner of Motor Vehicles shall adopt
 644 regulations, in accordance with chapter 54, to implement the
 645 provisions of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	53-21
Sec. 2	<i>July 1, 2014</i>	14-36(g)
Sec. 3	<i>July 1, 2014</i>	14-37a(b)
Sec. 4	<i>July 1, 2014</i>	14-111(j)
Sec. 5	<i>July 1, 2014</i>	14-111n(d)
Sec. 6	<i>July 1, 2014</i>	14-227a(g) to (i)

Sec. 7	<i>July 1, 2014</i>	14-227b
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